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THE FOUNDATION OF A SOLDIER'S OBLIGATION

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BY

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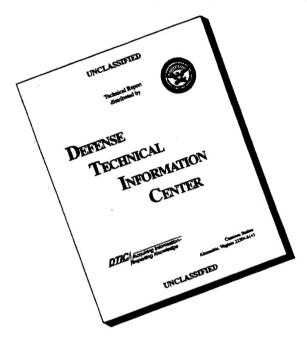
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THE FOUNDATION OF A SOLDIER'S OBLIGATION

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ABSTRACT

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A primary responsibility of a strategic military leader is to exemplify and promulgate standards of conduct within his organization which demonstrate that the organization is accountable for the use of power entrusted to it by the citizens of the state. To achieve this end, military leaders must serve as mentors, trainers and developers of soldiers capable of moral decision-making. Leadership always includes considerations of ethics. But as soldiers become increasingly proficient in moral thinking cases may arise in which their well-developed personal principles cause them to question their obligation to the state. Should a soldier serve in a particular war he believes to be unjust? This paper explores the subject of selective conscientious objection. It examines the traditional formulation of justice of war and individual obligation in light of the information age and argues that, in the future, appeals to duress and ignorance which absolve soldiers of responsibility for their state's actions will no longer suffice.

Preface

"A unique aspect of the military profession, as compared with other professions, lies in our responsibility as guardians of legal violence. As such, ethical and moral considerations must center around and serve humanity. The laws of war recognize this. Crimes against humanity, in all their forms, are prohibited. Decisions at senior levels of the military must not be guided by what betters the profession of arms, but must be guided by those ethical and moral standards that are for the

good of humanity" 1 - General Douglas McArthur

Military leadership at every level implies the exemplification of moral conduct. A primary concern of strategic leaders must be the development within the Armed Forces of an ethic of accountability for the use of force to the citizens of the state who entrust leaders with this power. While strategic leaders train and educate their subordinates with regard to moral decision making an interesting issue emerges. Citizen soldiers who become increasingly developed in their ability to conduct moral reasoning are likely to question their obligations in situations in which their duty to the state and duty to observe personal principles of conduct seem to conflict. This essay offers a discussion of a means to resolve questions regarding a soldier's obligation to serve in a war he believes to be unjust.

Introduction

The subject of a soldier's responsibility to serve in wars he believes to be unjust continues to generate discussion, comment, and, quite understandably, disagreement. The question of performing one's duty to the state when doing so stands against one's deeply held moral principles is not a new one but a question that seems to surface prior, during, and especially after a nation's participation in war. Recently we have read Robert McNamara's account of his realization of the error of America's strategy in Vietnam, his failure to act to change that course, and his regret in not being able to do so at the cost of soldiers' lives. The possibility of commitment of American troops to peacekeeping operations in Bosnia has, once again, engendered a debate as to the wisdom of such an action. Policy makers debate the purpose of such a commitment, the possibility of U.S. forces serving under foreign command, the utility of the employment of troops, and the moral

dimension of placing Americans in harm's way to achieve unclear objectives. These debates are quite public, discussed in the hearing of the soldiers who may be ordered to serve in the Balkans in the near future. The very existence of public discussion with regard to the utility, perhaps more importantly the justice, of the use of armed force to protect and promote the interests of a state is an essential part of the democratic process. This discussion forces us to consider the implications for a citizen soldier of that state to serve, given the possibility that he may politically agree with the policy makers who oppose this use of force.

The purpose of my essay is to consider the question of the obligation of soldiers to serve in wars they believe to be unjust. I will begin by discussing the commonly held point of view that a soldier is, generally, not held responsible for the decisions of the state and its government, and therefore is not concerned with justice of war, jus ad bellum. His business is only the business of fighting in the morally, and more recently legally, correct way. The traditional point of view is that the soldier is only responsible for matters of justice in war, jus in bello. I will discuss the reasoning of this position and argue that, in the past, this view was the correct one; but given the impact of the information age, the conclusion of the argument for the moral equality of soldiers may no longer follow from traditional premises. The world is changing in a way that will cause us to reevaluate our moral thinking. If, as I wish to argue, we find the traditional explanations for why a soldier should serve his state in causes with which he personally may disagree unsatisfactory, then we must again ask the question as to his moral obligation to serve. I wish to assert that there is an acceptable reason for a soldier serving in causes he believes unjust, in fact a moral obligation to do so, which follows from the conditions which make traditional arguments unsatisfactory. I believe this reasoning has wider application to moral thinking than regards soldiers in the performance of their duties - especially in the world of the next century.

Responsibility and Jus ad Bellum

To proceed with my investigation of a soldier's moral obligation to serve in a war he believes to be unjust I will discuss some basic assumptions with regard to moral thinking, I will define obligation, and I will explain concepts as I intend their use in the discussion. I will state the problem and offer the classical argument regarding soldiers' obligation. I will then offer an explanation of social and technological change occurring today which will cast doubt on the classical conclusion which absolves soldiers of moral responsibility for the decisions of their state. Once this step is accomplished, I will offer my position with regard to the moral foundation of a soldier's obligation in the context of obligation to the state and argue that a soldier is responsible to serve his nation in a cause he believes to be unjust. I then will examine implications for military leaders and policy makers of this finding.

The concept of obligation lies at the heart of this discussion. Simply stated, "obligation [is] the act of binding oneself by a social, legal, or moral tie. A duty, contract, promise, or any other social, moral, or legal requirement that compels one to follow or avoid a certain course of action." The sense of moral obligation is to enter into an agreement, stated or implied, in which one is compelled to perform or refrain from an action. This concept establishes a conditional framework in the form "in circumstance X, I ought to perform (or refrain from performing) act Y." Immediately we see that the nature of obligation requires two properties: that the actor recognizes that the conditions of circumstance X obtain, that the actor possess factual knowledge regarding the nature of the circumstance, and that the actor may choose to perform the act. A basic assumption I will use when discussing obligation is that actor has the freedom of will to choose to perform or not perform the act. The word "ought" is included in the conditional statement to bring out the implication of choice in moral decision making. Had I stated the conditional as "in circumstance X, the agent will perform (or refrain from performing) act Y", I would have established a concept of obligation that does not square with my intended use of the concept. It is

important to agree with the usage of the term 'obligated' as a state of affairs that involves recognition of certain facts of the world followed by a *choice* to behave in a certain way in light of those facts to understand the classic argument for relieving a soldier of responsibility for participating in actions, like war, which are decided by his state.

Next we must consider the nature of just war if we are to investigate a soldier's responsibility with regard to serving in a war that is unjust. In his book The Ethics of War and Peace: An Introduction to Legal and Moral Issues. Paul Christopher offers the classic conceptual theory of a just war. Modern just war theory traces its evolution from Cicero's De Legibus through Saint Augustine's writings of the fourth century and the later works of Saint Thomas Aquinas, Francisco Suarez, and Francisco de Vitoria to its legal formulation by Hugo Grotius in The Law of War and Peace in 1625. Christopher's formulation of the concept of a just war is:

"Jus ad Bellum. The justice of war. This is the traditional phrase used to refer to the justifications for resorting to force as a means of achieving political objectives. The classical jus ad bellum criteria are: (a) there must be a just cause; (b) war must be a last resort; (c) the political objectives must be proportional to the costs of fighting; (d) war must be declared by a lawful authority; (e) war must be publicly declared; (f) there must be a reasonable chance of success; (g) the war must be prosecuted for rightful intentions; and (h) the war must be fought justly.

I agree with Christopher who points out at the end of this passage that he, following Grotius, does not believe the last two conditions are necessary. As we can see, the classic formulation of justice of war defines warfare as the business of sovereigns, the competent authority responsible for the determination of just cause, proportionality, reasonableness of the chance of success, and if, in fact, resort to war is a last resort. This formulation squares with the concept of invincible ignorance which is one of the major determinants for responsibility of the justice of war. Invincible ignorance describes the condition attributed to the common citizen, "... a condition when it is not possible to ascertain the truth or falsity of one's beliefs. Francisco de Vitoria argues that soldiers are always possessed of "invincible ignorance" concerning whether the cause they are fighting for is just. Hence, soldiers are not responsible for the justice of the war (jus ad bellum) in

which they fight." This concept plays in our formulation of obligation," in circumstance X, I ought to perform (or refrain from performing) act Y". If we state a soldier's obligation as, "if our war is just, I ought to fight for my state" invincible ignorance holds that we can not operate this condition for a soldier can never determine if the war is just. He can not determine if the circumstances obtain which will cause his choice for action.

Michael Walzer concurs with the concept of invincible ignorance in his book Just and Unjust Wars: A Moral Argument with Historical Illustrations. Walzer writes, "It might, however, be thought a matter of individual volition whether particular men join the army and participate in the war. Catholic writers have long argued that they ought not to volunteer, ought not to serve at all, if they know the war to be unjust. But the knowledge required by Catholic doctrine is hard to come by; and in case of doubt, argues the best of the Schoolmen, Francisco de Vitoria, subjects must fight - the guilt falling, as in *Henry* V, on their leaders. Vitoria's argument suggests how firmly political life is set, even in the pre-modern state, against the very idea of volition in time of war. "A prince is not able," he writes, "and ought not always to render reasons for the war to his subjects, and if the subjects cannot serve in the war except they are first satisfied of its justice, the state would fall into grave peril.." Today, of course, most princes work hard to satisfy their subjects of the justice of their wars: they "render reasons," though not always honest ones. It takes courage to doubt these reasons, or to doubt in public; and so long as they are only doubted, most men will be persuaded (by arguments something like Vitoria's) to fight. Their routine habits of law abidingness, their fear, their patriotism, their moral investment in the state, all favor that course."

There are good reasons to accept the concept of invincible ignorance. Historically, the common citizen has lacked relevant information due to his access to information, education, literacy, subjection to state propaganda, and interest to determine if the necessary conditions for a just war obtain. This concept is eloquently developed by Shakespeare in Henry V, as Henry

explains to his men that the King's cause is just to which Williams replies "That's more than we know." and Bates follows, "Ay or more than we should seek after; for we know enough, if we know we are the King's subjects. If his cause be wrong, our obedience to the King wipes the crime of it out of us." So the first difficulty with holding a soldier responsible for the justice of a war is the recognition of the fact that most soldiers are not capable of determining if the cause is, in fact, just. If they cannot determine justice, it stands to reason that they are not morally responsible for injustice. This being the case, it follows that soldiers are obligated to obey their sovereign and beliefs as to the justice of the war are irrelevant.

In fact, we can expect all soldiers to believe their cause is just. They are, for the most part, products of their environment. They have been educated and culturally developed within the framework of their nation state. From birth, they have developed principles which generally reflect those held in their society, so it would stand to reason that a soldier will normally believe the claims made by their state to be just and fair when such claims stand in opposition to those of a different society.

The second point regarding soldiers' obligation is captured in our word "ought". We stated that "in circumstanceX, I ought to perform (or refrain from performing) act Y." Due to invincible ignorance, a soldier cannot determine if circumstance X obtains. Secondly, throughout history most soldiers have been compelled to fight. If a soldier is forced to take up arms by his state, he is not operating in the realm of choice and therefore not operating within the bounds of the concept of obligation as I have formulated it.

Soldiers are often compelled to fight by their sovereign. They may be impressed into service, ordered to serve to spare their life or that of their family, or, as in more sophisticated times, coerced more subtly. Walzer notes, " It is the success of coercion that makes war ugly.

Democracy is a factor only insofar as it increases the legitimacy of the state and then the

effectiveness of its coercive power, not because the people in arms are a bloodthirsty mob fired by political zeal and committed to total war (in contrast to their officers, who would fight with decorum if they could). It is not what the people do when they enter the arena of battle that turns war into a "circus of slaughter," but as I have already argued, the mere fact that they are there."

To this point it appears that we can grant, generally speaking, that historically soldiers, with the exception of mercenaries, have been compelled by their state to take up arms and that they lack the information required to determine if the state's participation in a war is just. As such, they are not held responsible for the decisions of the state, only their personal conduct. In American society, however, a middle ground exists between compulsion to serve and service willingly chosen. This is the legal acceptance of the status of conscientious objector.

In The Just War: Force and Political Responsibility, Paul Ramsey addresses the issue of conscientious objection writing that, "This calls our attention to a fundamental fact concerning man in his political existence. The individual is included within the common good of the nation-state (which is to date the most inclusive, actual political community that we have), but he is *not* included in the national common good *to the whole extent of his personhood*. The person transcends the political community, but again *not to the whole extent of his being*. The person does not exist simply to serve the state, but neither does the state (meaning political society, not merely the "government") exist simply to serve an aggregation of individuals." Ramsey asserts that some states, like the United States, grant the legal status of conscientious objector to citizens who for matters of conscience refuse to take up arms. It is important to note that the decision to confer this status rests with the state. In America, allowing some members of society, for moral reasons, to decline service is permissible because this exception has never endangered the state. There have always been enough citizens willing to take up arms or, at least, not morally opposed to the principle of service to the extent that they would not serve if called or drafted to provide the

forces required by the state. Allowing the status of conscientious objector has utility in a nation in which only a small minority of citizens would request this status and promoting exceptions in the interest of religious freedom and freedom of conscience, in the end, promotes the national interest.

Selective conscience objection is a very different matter. This involves the idea of refusing military service, not in general based on beliefs and deeply held personal principles of conduct that forbid the taking of human life in any case, but refusal to serve in a particular war because the citizen believes that particular war to be unjust. This is now the case of a citizen who believes he has the factual information required to make a determination with regard to the justice of a particular war, and the possibility that he has the freedom to choose to serve. Selective conscience objection involves the actor who *can* apply the maxim "In circumstance X, I ought to perform (or refrain from performing) act Y."

Ramsey is careful to point out that for the possibility of selective conscience objection to exist, "A considerable upgrading of the level of political discourse in America is among the conditions of the possibility granting selective conscientious objection." 11

Without further developing the possible necessary and sufficient conditions for the conferral of status as a selective conscientious objector, it is enough to note that if a society can consider (as ours has more seriously since the Viet Nam War) that a citizen could gain enough information with regard to the justice of a given war to determine the war to be unjust, and if that citizen could possibly not be compelled by the state to fight for reasons of conscience, then those who do *choose* to fight, also capable of determining the justice of the cause, could be held morally responsible. The fighters may no longer enjoy invincible ignorance and they are no longer forced by the state to fight. But after centuries of war, sponsored by sovereign states and fought by soldiers compelled for the most part against their nature to take up arms and held to possess invincible ignorance, what has changed to cause us to consider if it is possible to exempt citizens

from service in a particular war for reasons of conscience? If selective conscientious objection is possible, we return to our original question - should a soldier fight in a war he believes to be unjust?

The Third Wave

We are standing on the threshold of a new world. The rapid rate of change in technology, social structure, personal relationships, and to a great extend values is causing decision makers in government, industry, education, and social agencies to reevaluate their objectives, concepts, and means to achieve goals. It stands to reason that our moral thinking is also a worthy candidate of analysis as we challenge the basic assumptions that shape societies, governments, and institutions. The body of work of futurist Alvin Toffler offers some very interesting explanations for the forces of change we sense in our world and the possible effects of this process of change.

In his groundbreaking 1970 book Future Shock. Toffler not only emphasizes the amount of change we are experiencing, but more importantly, the rate of this process. He offers a striking illustration of this rate writing, " It has been observed, for example, that if the last 50,000 years of man's existence were divided into lifetimes of approximately sixty-two years each, there have been about 800 such lifetimes. Of these 800, fully 650 were spent in caves. Only during the last seventy has it been possible to communicate effectively from one lifetime to another - as writing made it possible to do. Only during the last six lifetimes did masses of men ever see a printed word. Only during the last four has it been possible to measure time with any precision. Only in the last two has anyone anywhere used an electric motor. And the overwhelming majority of all the material goods we use in daily life today have been developed within the present, the 800th, lifetime." He further illustrates his concept of the accelerative thrust with examples of: the explosion of information available to the common man, " Prior to 1500, by the most optimistic estimates, Europe was producing books at a rate of 1000 titles a year... And by the mid - sixties, the output of

books on a world scale, Europe included, approached the prodigious figure of 1000 titles per day;" 13 the expansion of scientific thinking, "90 percent of all the scientists who ever lived are now alive, and that new scientific discoveries are being made every day;" 14 and a host of illustrations of this amazing developmental trend in urbanization, industry, technology, medicine, education, and transportation. Modern man lives in an ever changing world and must continually adapt to an increasingly rich and diverse environment.

In his 1980 book <u>The Third Wave</u>, Toffler expands his focus from that of the individual in a rapidly changing world to an investigation of the three great epoches of change in human history: the agricultural age, the industrial age, and the current information age, and offers an analysis of the characteristics of each period and its impact on civilization. The first wave of change, the agricultural age, took man from his origins to first societies. Toffler explains, "Before the First Wave of change, most humans lived in small, often migratory groups and fed themselves by foraging, fishing, hunting, or herding. At some point roughly ten millennia ago, the agricultural revolution began, and it crept slowly across the planet spreading villages, settlements, cultivated land, and a new way of life." By the seventeenth century the Second Wave, the industrial revolution was in motion.

The Second Wave, the industrial age is of greatest interest to this investigation because it has established the political, economic, and social systems that determine our current society, world-view, culture, and values. Toffler described the characteristics of the second wave to be: standardization, specialization, synchronization, concentration, maximization, and centralization. The nature of industrial society requires man and machine to work in concert. Toffler asserts that the physical realities of industrial society altered man and his world. People had to become centralized, urbanized to work in great industrial centers. Systems of centralized management and leadership were required for efficiency. People had to be trained, educated, organized and

enculturated to work in their specific place in the great industrial engines of change. The industrial age, by necessity, required synchronization in society, division of labor, mass production, mass education, and shared values which did not stand in opposition to the requirements of efficient production.

This age drove the development of the nation-state, public education, urbanized society, bureaucracy, and large-scaled social systems needed to support people who were no longer selfsufficient but rather consumers and producers in varying degrees. It follows that societal roles as well as family and gender roles developed to support industrial life and the great part of our development of the concepts and instruments of government, law, morality, justice and self was codified during this period. Toffler writes, "Thus the Second Wave civilization, as it matured, created a wholly new image of reality, based on its own distinctive assumptions about time and space, matter and cause. Picking up fragments from the past, piecing them together in new ways, applying experiment and empirical tests, it drastically altered the way human beings came to perceive the world around them and how they behaved in their daily lives." 16 If, as Toffler asserts, concepts as basic as the importance of time in its relation to synchronization developed during the Second Wave when he writes, "Thus punctuality, never very important in agricultural communities, became a social necessity, and clocks and watches began to proliferate. By the 1700's they were already becoming commonplace in Britain. Their diffusion came, in the words of British historian E.P. Thompson, 'at the exact moment when the industrial revolution demanded a greater synchronization of labor, "17 it stands to reason that a great deal of our perception of reality was shaped in this period and remains today.

Most importantly as we consider a citizen's responsibility to serve his state, and more basically the notion of sovereignty which lies at the heart of just war theory we must recognize the nation-state as a product of the industrial revolution. Toffler writes, " What we call the modern

nation is a Second Wave phenomenon: a single integrated political authority superimposed on or fuzed with a single integrated economy. A ragbag collection of locally self-sufficient, sparsely connected economies cannot, and does not, give rise to a nation. Nor is a tightly unified political system a modern nation if it sits atop a loose conglomeration of local economies. It is the welding of the two, a unified political system and a unified economy, that made the modern nation." 18 It follows that our concept of one's obligation to the state is understandable primarily in the context of First and Second Wave civilization.

With regard to *invincible ignorance* it is clear that most people up until the last few years lacked access to the amount of reliable information to enable them to make sound judgments regarding the nation's business. The specialization and centralization of industrial age society also contributed to this lack of information, although the culmination of the industrial age is having the effect of *finally* making this information available to the masses. Likewise the concepts involved in the classical definition of *jus ad bellum* only make sense to us in a Second Wave, nation-state, framework.

The argument for the coercive power of the state with regard to citizen's obligation also gains credence when viewed with reference to the synchronized, concentrated, specialized, standardized, society directed by centralized authority. In Second Wave societies the state is sovereign, soldiers are generally coerced to fight, they lack sufficient knowledge to determine if the state's cause in war is just, and most importantly, they cannot dispute the 'fact' of the Second Wave world that sovereignty and its attending rights grants only the state the power to choose to wage war. Just war theory and modern formulations considering war in the realm of international law, aggression theory, and state's rights accept a priori the concept of sovereignty. The advent of the information age, the Third Wave casts doubt of these accepted principles.

The success of the industrial age places us on a new frontier. We are just beginning to see a shift to a larger world community with organizations and associations that cross national boundaries. Advances in telecommunications, information production, automation, and a host of technological wonders have given rise to truly global markets, corporations, and organizations. Advances in technology are threatening the underpinnings of second wave culture as large hierarchical management structures are no longer required to direct effort and maintain efficiency. Business are becoming 'horizontal'. Worldwide information dissemination is an everyday reality.

Three very important results of this movement to the post-industrial age are: that the claim that the common man lacks sufficient information to judge state business will soon be quite dubious- his access to information is becoming limitless; the coercive power of the state is decreasing as a result of worldwide interdependency and a general movement toward pluralistic democracies; and the concept of the nation-state as sovereign is no longer universally accepted. The evidence for the first two points is quite clear. With regard to the third we see the advent of pronouncements favoring "human rights" over those of a given state. The current United Nations Secretary General, Boutros Boutros-Gahli holds, "While respect for the fundamental sovereignty and integrity of the state remains central, it is undeniable that the centuries-old doctrine of absolute and exclusive sovereignty no longer stands, and was in fact never so absolute as it was conceived to be in theory. A major intellectual requirement of our time is to rethink the question of sovereignty not to weaken its essence, which is crucial to international security and cooperation, but to recognize that it may take more than one form and perform more than one function...[a]nd underlying the rights of the individual and the rights of peoples is a dimension of universal sovereignty that resides in all humanity and provides all peoples with legitimate involvement in issues affecting the world as a whole." 19 Although this view is not universally accepted, it shows a movement toward a new concept of the state.

The state may eventually not be considered supreme on earth but subject to a greater authority of international communities and peoples. As such, the necessary and sufficient conditions for *jus ad bellum* would be considered by a great number of informed people. If the world continues to change in this direction it appears that arguments that hold a soldier is not responsible for the justice of a war in which he fights will be less credible. He will be able to know, as well as his political leaders, the facts of the world pertaining to the contemplated use of force, he most likely will be a volunteer soldier, at least American soldiers will be as it appears there is no interest in moving away from the All -Volunteer force, and the tests regarding just cause, last resort, competent authority, proportionality, and reasonable chance for success will be examined not by a few governmental leaders but rather in public by the community of the world. These developments seem to strengthen the case for selective conscientious objection, but I will argue in the following section that this is not the case.

Responsibility

If we posit the possibility, in the near future, that great masses of people will have access to accurate information and be more capable of judging the arguments for the use of force, and if we grant that pluralistic democracies will move toward more professional armies of volunteer citizen-soldiers, then we must consider one additional argument offered to relieve soldiers of their responsibility regarding *jus ad bellum*. This argument appeals to the philosophical distinction between *formal* and *objective* justice, which posits a state of universal *invincible ignorance* in which no one may ever be certain of the truth of their beliefs.

Christopher asserts, "The fact is that we often never know objectively and with any degree of certainty which side in a war is just, even in retrospect. In domestic society we agree to abide by a system of formal justice, recognizing that ideal or objective justice is often impossible to achieve; so must it be regarding political decisions in international society. This system of accepting formal

justice in domestic society is well established and accepted in our country, and the concept should apply similarly to professional soldiers and their approach to war," and he offers as an example our actions regarding the verdict of a court trial writing, "In many cases, we will never know for certain whether the accused did it or not, but society accepts the verdict of the jury as long as the proper formal procedures were followed because we believe that this method is the one most likely to give iustice."20 The epistemological support for this position is quite sound; we may never know with absolute certainty that anything, other than basic analytic truths, is objectively true, but an appeal to adherence to formal judgment is also unsatisfying in matters of deeply held principles. First, we see a movement in the world toward questioning the underlying assumptions that form the bases of formal systems as the debate regarding the status of state sovereignty mentioned earlier demonstrates. Secondly, in a world moving toward greater international cooperation and dependance it is important to note that we do not agree on similar systems of formal justice. Is there a common principle underlying effective social action to which we can appeal to answer our questions about obligation? I believe there is. It is the single necessary condition for effective domestic and international intercourse, it lends the predictability required for all formal systems to function, and it explains why soldiers ought to fight in wars, even those they believe in a certain case to be unjust. It has to do with promise keeping.

A classic example of this formulation of moral obligation is captured by Plato in his dialogue "Crito". Socrates, convicted, imprisoned, and sentence to death, is confronted by his friend Crito who has arranged for Socrates to escape and flee Athens. Crito argues that Socrates, wrongly accused and convicted, is not obligated to abide by the government's decree and is justified in acting to save his life. Socrates agues to the contrary.

"Then the laws will say: 'Consider, Socrates, if this is true, that in your present attempt you are going to do us wrong. For, after having brought you into the world, and nurtured and educated you, and given you and every other citizen a share in every good that we had to give, we further proclaim and give the right to every Athenian, that if he does not like us when he has come

of age and seen the ways of the city, and who wants to go to a colony or to any other city, may go where he likes...he who has experienced the manner in which we order justice and administer the state, and still remains, has entered into an implied contract that he will do as we command him. And he who disobeys us is, as we maintain, thrice wrong: first because in disobeying us he is disobeying his parents; secondly, because we are the authors of his education; thirdly, because he has made an agreement with us that he will duly obey our commands...you Socrates, are breaking the covenants and agreements which you made with us at your leisure...' and Socrates continues"if you transgress and err in this sort of way, what good will you do, either to yourself or to your friends? ...but there will be no one to remind you in your old age you violated the most sacred laws from a miserable desire of a little more life?" 21

Plato has capture the basic requirement for the formation of effective societies, predictability resting on the citizen and the state's obligation to keep its word - to adhere to stated and implied agreements. The deeply held moral principle of fulfilling obligations is the glue that holds societies together, that makes systems of formal justice and legislation possible at all. For this reason we can expect that a citizen, when of age and being reasonably informed, can freely enter into an agreement to serve the community in some capacity, say as a firefighter. He will benefit from the wages and position offered by accepting the position in return for his service of fighting fires when the alarm sounds. Citizens must reasonably expect that when the alarm sounds he will perform his function, even at his peril. The same degree of predictability is required in all aspects of social life to provide citizens the freedom to develop and their government the ability to govern. Our expectations of the actions of professionals: police, doctors, teachers, judges, ambassadors, soldiers, and all others defines society.

Implications

As we enter into a new age, a world of increasing pluralism, knowledge, and interdependence, it is essential that we work to increase the ethic of keeping our promises, adhering to our contractual obligations. We will encounter new systems emerging that will challenge formal systems and practices developed in the industrial age as the world moves further into the information age. It is essential that this evolution progress in an orderly manner, as a result of

mutual trust and understanding. Unfortunately, many facets of current society seem to indicate that promise keeping is not held as an essential trait as evidenced by: increasing divorce rates, increased cases of companies defaulting on obligations or entering into contracts they don't believe they can honor, abrogation of treaties, suspensions of services upon which people have come to depend. We must all recognize that circumstances change. Certainly not every promise can be kept, but we must work to instill an ethic of obligation, which breeds trust, in our society. We must avoid making flippant excuses that 'the truth changes' and easily opting for expedient and cost effective solutions to issues if doing so jeopardizes the general public trust and confidence.

Having said this, it is important to recognize that the development of an ethic of promise keeping does not lead to blind obedience. With regard to *jus in bello* adherence to a soldier's obligations, as a soldier, strengthens adherence to the law of war. As Field Manual 27-2 states, " If you violate any of the laws of war, you commit a crime and are subject to punishment under US law, which includes the Uniform Code of Military Justice (UCMJ). Even if you had orders to commit the act, you are personally responsible. Orders are not a defense." Promise keeping serves, in war, to ensure that soldiers observe the general prohibitions against attacking noncombatants and using forbidden tactics, weapons, and techniques. In the realm of *jus in bello* a soldier is not only permitted but also expected to object and refrain from participation in illegal acts. He has entered into an obligation to do so.

This analysis reveals the answer to the basic question regarding a soldier's obligation to serve in a war he believes to be unjust and an explanation as to why selective conscientious objection is unacceptable. In the complex fabric of social life we will all often disagree about the facts of the world. Soldiers of the future, in all countries will be better informed and better educated citizens than those of the past. In many cases, as in the United States, they will be able to freely choose to serve their state as a soldier. It is quite likely in their capacity as a citizen, that they may

disagree with particular policies and decisions of the political community. They may at times face the personal question of serving in a war they *believe*, based on their well developed sense of justice and access to reliable information, to be unjust. At such a time they must draw on a more fundamental obligation, an obligation entered into freely based on informed, rational though, to keep one's promise. The knowledge that the predictability, order, and ability to maintain formal systems of justice required of any viable society rests on the degree of each citizen's adherence to keeping promises allows us to determine our correct response in cases in which our interests and those of the state conflict and in cases involving conflicting moral principles.

Endnotes

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- ³ "Obligation." <u>The American Heritage Dictionary of the English Language.</u> ed. William Morris. Boston: Houghton Mifflin Company. 1970. p. 905.
- ⁴ Christopher, Paul. <u>The Ethics of War and Peace: An Introduction to Legal and Moral Issues.</u> Englewood Cliffs, NJ.: Prentice Hall, 1994, pp. 30 110.
- ⁵ Christopher. p.228.
- 6 Christopher. p. 228.
- Walzer, Michael. <u>Just and Unjust Wars: A Moral Argument With Historical Illustrations.</u> 2d. ed. USA: Basic Books. 1977. p.39.
- ⁸ Shakespeare, William. <u>Henrey V.</u> Act. IV, Scene I. in <u>The Riverside</u> <u>Shakespeare.</u> Boston: Houghton Mifflin Company. 1974. p. 957.
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- ¹⁴ Ibid. p.27.
- ¹⁵ Toffler, Alivn. <u>The Third Wave.</u> New York: William Morrow and Company, Inc. 1980. p. 29.
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